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Attorneys for Federal Defendant  
Mendocino Coast Clinics

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARY DOE,	)	CASE NO.
	)	
Plaintiff,	)	<b>NOTICE OF REMOVAL OF CIVIL ACTION</b>
	)	
v.	)	
	)	
MARK DOUGLAS KLINE, M.D.;	)	
MENDOCINO COAST CLINICS ; and	)	
DOES 1 THROUGH 20, INCLUSIVE	)	
	)	
Defendants.	)	

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TO: Clerk, Superior Court of California  
County of Sonoma, Hall of Justice  
600 Administration Drive  
Santa Rosa, CA 95403-2818

Joseph C. George, Esq.  
Law Offices of Joseph C. George, Ph.D.  
601 University Avenue, Suite 200  
Sacramento, CA 95824

Ivan Weinberg, Esq.  
Weinberg, Hoffman, LLP.  
700 Larkspur Landing Circle, Suite 252,  
Larkspur, CA 94939

NOTICE OF REMOVAL

Mary Doe v. Mark Douglas Kline, M.D., et. al.

1 PLEASE TAKE NOTICE that on this day, Case Number SCV254115 pending in Sonoma County  
2 Superior Court is being removed to the United States District Court for the Northern District of  
3 California, pursuant to 28 U.S.C. § 1441(a) and 1441(c), 28 U.S.C. §1442(a)(1), and 28 U.S.C.  
4 § 2679(d)(2) on behalf of federal defendant, Mendocino Coast Clinics (“Defendant”). Pursuant to 28  
5 U.S.C. §1446, the undersigned attorneys hereby present the following facts to the Judges of the United  
6 States District Court for the Northern District of California.

7  
8 1. On or about August 9, 2013, Mary Doe, (“Plaintiff”) filed a complaint in the Superior Court of  
9 the State of California, County of Sonoma, against defendants for unspecified damages.

10 2. Plaintiff alleges that commencing on or about 2011, Mark Kline, M.D., a former employee of the  
11 Health Center, mismanaged the transference relationship between them and engaged in a relationship of  
12 a sexual nature during the course of her psychiatric appointments with him at the Health Center. The  
13 plaintiff further alleges that the federal Defendant negligently hired and failed to appropriately supervise  
14 Dr. Kline.

15 3. On or about October 30, 2014, the United States Attorney’s Office received a copy of the  
16 Complaint from the agency via electronic mail. The United States Attorney’s Office has not been  
17 served with a copy of the Summons and Complaint pursuant to Rule 4 (i)(1) of the Federal Rule of Civil  
18 Procedure. Pursuant to 28 U.S.C. § 1446(a), a copy of the documents received are attached as Exhibit  
19 A. An answer or other response in the action is due on December 5, 2014 in Sonoma Superior Court in  
20 Santa Rosa, California.

21 4. Defendant Mendocino Coast Clinics is a federally-supported health center and under the  
22 Federally Supported Health Centers Assistance Act (“FSHCAA”) was deemed by the Department of  
23 Health and Human Services to be an “employee” of the Public Health Service during the timeframe of  
24 the events giving rise to the complaint in this matter. *See* 42 U.S.C. § 233(g); Declaration of Meredith  
25 Torres attached hereto as Exhibit B. Pursuant to the “FSHCAA,” the Federal Tort Claims Act is the  
26 exclusive remedy for suits against a deemed federally supported health center. *See* 28 U.S.C. §§  
27 1346(b), 2671 *et seq.*

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1 5. Dr. Mark Kline has not yet been deemed to be a Public Health Service employee under  
2 42 U.S.C. § 233(g) for purposes of this litigation. *See* Exhibit B.

3 6. Removal of this action to the United States District Court is made pursuant to 28 U.S.C.  
4 §§ 1441(a) and 1441(c) because plaintiff seeks monetary damages from the United States of America.  
5 Original and exclusive jurisdiction lies in a federal forum under 28 U.S.C. §1331 (civil actions arising  
6 under the Constitution, laws or treaties of the United States), and the Federal Torts Claim Act, 28 U.S.C.  
7 §§ 1346, 2671, *et seq.*

8 7. A copy of this Notice is being filed with the Clerk of the Sonoma County Superior Court. This  
9 filing will automatically effect removal of the action in its entirety to this Court for all future  
10 proceedings pursuant to 28 U.S.C. § 1446(d).

11  
12 Date: December 4, 2014

Respectfully Submitted,

13 MELINDA HAAG  
14 United States Attorney

15 By:                     /s/                      
16 ROBIN M. WALL  
17 Assistant United States Attorney  
18 Attorney for the Mendocino Coast Clinics  
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